

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10153

United States of America

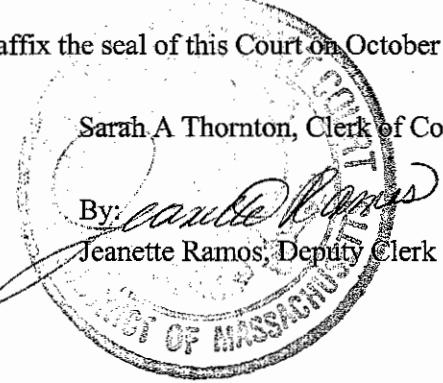
v.

Manuel De Jesus Novoa-Baires

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 9/7/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on October 14, 2005.



Receipt of the documents in the above entitled case is hereby acknowledged this date: 10/14/05.

DB
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, INTERP

United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10153-RWZ-ALL

Case title: USA v. Novoa Baires
Magistrate judge case number: 1:04-mj-01018-JGD

Date Filed: 05/14/2004

Assigned to: Judge Rya W. Zobel
Referred to: Magistrate Judge Judith G.
Dein

Defendant

Manuel de Jesus Novoa Baires (1)

TERMINATED: 08/05/2005

represented by **Charles P. McGinty**
Federal Defender's Office
408 Atlantic Ave.
Third Floor
Boston, MA 02110
617-223-8061
Fax: 617-223-8080
Email: charles_mcginty@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

21:963 Conspiracy to Import Cocaine
(1)

21:952(a) and 960(a) - Importation of
Cocaine
(2)

Disposition

The defendant was sentenced to TIME SERVED; SR 3 years; no fine; Standard conditions apply; no guns; SC; if deported, the defendant shall leave the US; SA \$200.00.

The defendant was sentenced to TIME SERVED; SR 3 years; no fine; Standard conditions apply; no guns; SC; if deported, the defendant shall leave the US; SA \$200.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

21:952=CLF Importation of controlled substance

Disposition

The defendant was sentenced to TIME SERVED; SR 3 years; no fine; Standard conditions apply; no guns; SC; if deported, the defendant shall leave the US; SA \$200.00.

Plaintiff

USA

represented by **David G. Tobin**
United States Attorneys Office
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3392
Fax: 617-748-3965
Email: David.Tobin@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan M. Poswistilo
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3267
Fax: 617-748-3675
Email: susan.poswistilo@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/08/2004	•1	COMPLAINT as to Manuel de Jesus Novoa Baires (1). (Flaherty, Elaine) [1:04-mj-01018-JGD] (Entered: 03/10/2004)
03/08/2004	•	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Initial Appearance as to Manuel de Jesus Novoa Baires held on 3/8/2004; Spanish Interpreter Haddad; AUSA Poswistilo and Federal Defender McGinty for the dft.; Federal Defender McGinty requests to submit financial affidavit after consulting with dft.; USMJ Dein appoints Federal Defender provisionally upon review of financial

		affidavit; The Govt. moves for detention and continuance; PC and detention hearing is set for [1:04-3/10/04 @ 10:00am. USMJ Dein orders the dft. to temporary detention pending hearing. (Court Reporter D.R..) (Quinn, Thomas)][1:04-mj-01018-JGD] (Entered: 03/10/2004)
03/10/2004	●	Attorney update in case as to Manuel de Jesus Novoa Baires. Attorney Charles P. McGinty for Manuel de Jesus Novoa Baires added. (Quinn, Thomas)[1:04-mj-01018-JGD] (Entered: 03/10/2004)
03/10/2004	●	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein : PC and Detention Hearing as to Manuel de Jesus Novoa Baires was continued on 3/10/2004; AUSA Poswistilo and Atty McGinty for the dft. move to continue hearings until 3/[1:04-11/04 @ 11:30am. (Court Reporter D.R..) (Quinn, Thomas)[1:04-mj-01018-JGD] (Entered: 03/10/2004)
03/11/2004	●	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein : Detention Hearing as to Manuel de Jesus Novoa Baires held on 3/11/2004, Preliminary Examination as to Manuel de Jesus Novoa Baires held on 3/11/2004 AUSA Poswistillo and [1:04 Federal Defender McGinty for the dft.; Dft. waives PC hearing and consents to voluntary order of detention. Dft file financial affidavit and Federal Defender is appointed. (Court Reporter D.R..) (Quinn, Thomas)[1:04-mj-01018-JGD] (Entered: 03/15/2004)
03/11/2004	●2	CJA 23 Financial Affidavit by Manuel de Jesus Novoa Baires (Quinn, Thomas)[1:04-mj-01018-JGD] (Entered: 03/15/2004)
03/11/2004	●3	Judge Judith G. Dein : ORDER entered ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Manuel de Jesus Novoa Baires (Quinn, Thomas)[1:04-mj-01018-JGD] (Entered: 03/15/2004)
03/11/2004	●4	Judge Judith G. Dein : ORDER entered ORDER OF DETENTION as to Manuel de Jesus Novoa Baires (Quinn, Thomas)[1:04-mj-01018-JGD] (Entered: 03/15/2004)
05/13/2004	●5	INDICTMENT as to Manuel de Jesus Novoa Baires (1) count(s) 1, 2. (Gawlik, Cathy) Modified on 5/19/2004 (Hurley, Virginia) to correct filing date. (Entered: 05/18/2004)
05/13/2004	●	Judge Rya W. Zobel : ORDER entered ORDER REFERRING CASE to Magistrate Judge Judith G. Dein Reason for referral: pretrial proceedings as to Manuel de Jesus Novoa Baires (Gawlik, Cathy) (Entered: 05/18/2004)
06/02/2004	●6	Judge Judith G. Dein : ORDER entered INITIAL SCHEDULING ORDER as to Manuel de Jesus Novoa Baires. Status Conference set for 7/13/2004 02:45 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 06/02/2004)
06/02/2004	●7	Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Manuel de Jesus Novoa Baires. Time excluded from 6/2/04 until 6/30/04. (Dambrosio, Jolyne) (Entered: 06/02/2004)

06/02/2004	●	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Arraignment as to Manuel de Jesus Novoa Baires (1) Count 1,2 held on 6/2/2004; Spanish Interpreter (Hadad); AUSA Poswistilo and Attorney McGinty for the dft.; Dft. pleads not guilty; 1st status conference is set for 7/13/04 @ 2:45pm. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 06/03/2004)
07/01/2004	● 8	Letter (non-motion)from David G. Tobin regarding automatic discovery (Rule 16 Materials) as to Manuel de Jesus Novoa Baires (Johnson, Jay) (Entered: 07/06/2004)
07/13/2004	● 9	JOINT MEMORANDUM of the parties re initial status conference by Manuel de Jesus Novoa Baires (Johnson, Jay) (Entered: 07/14/2004)
07/13/2004	●	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Manuel de Jesus Novoa Baires held on 7/13/2004; AUSA Poswistilo and Attorney McGinty report current case status; Next status is set for 9/8/04 @ 11:30am. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 07/15/2004)
07/13/2004	● 10	Judge Judith G. Dein : ORDER entered STATUS REPORT as to Manuel de Jesus Novoa Baires Status Conference set for 9/8/2004 11:30 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 07/15/2004)
07/13/2004	● 11	Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Manuel de Jesus Novoa Baires Time excluded from 6/30/04 until 9/8/04. (Quinn, Thomas) (Entered: 07/15/2004)
09/08/2004	●	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Manuel de Jesus Novoa Baires held on 9/8/2004; AUSA Tobin and Attorney McGinty report current case status and seek further conference for 9/30/04 @ 11:45am. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 09/08/2004)
09/08/2004	● 12	Judge Judith G. Dein : ORDER entered INTERIM STATUS REPORT as to Manuel de Jesus Novoa Baires. Status Conference set for 9/30/2004 11:45 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 09/08/2004)
09/08/2004	● 13	Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Manuel de Jesus Novoa Baires. Time excluded from 9/8/04 until 9/30/04. (Dambrosio, Jolyne) (Entered: 09/08/2004)
09/08/2004	●	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Manuel de Jesus Novoa Baires held on 9/8/2004; AUSA Tobin and Attorney McGinty report case status and seek further status conference for 9/30/04 @ 11:45am. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 09/09/2004)
09/27/2004	● 14	Joint MOTION to Continue as to Manuel de Jesus Novoa Baires by USA. (Tobin, David) (Entered: 09/27/2004)
09/28/2004	●	Judge Judith G. Dein : Electronic ORDER entered granting 14 Joint

		Motion to Continue as to Manuel de Jesus Novoa Baires (1). The status conference is continued to 10/12/04 at 3:00 PM. (Dambrosio, Jolyne) (Entered: 09/28/2004)
09/28/2004	• <u>15</u>	Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Manuel de Jesus Novoa Baires. Time excluded from 9/30/04 until 10/12/04. (Dambrosio, Jolyne) (Entered: 09/28/2004)
11/08/2004	•	ELECTRONIC NOTICE OF HEARING as to Manuel de Jesus Novoa Baires: The Final Status Conference has been reset for 11/15/2004 02:45 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 11/08/2004)
11/22/2004	• <u>16</u>	Assented to MOTION to Continue <i>Hearing</i> as to Manuel de Jesus Novoa Baires. (McGinty, Charles) (Entered: 11/22/2004)
11/23/2004	•	Judge Judith G. Dein : Electronic ORDER entered granting <u>16</u> Motion to Continue as to Manuel de Jesus Novoa Baires (1) (Quinn, Thomas) (Entered: 11/24/2004)
11/23/2004	• <u>17</u>	Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Manuel de Jesus Novoa Baires Time excluded from 10/12/04 until 12/21/04. (Quinn, Thomas) (Entered: 11/24/2004)
12/22/2004	• <u>18</u>	MOTION to Exclude as to Manuel de Jesus Novoa Baires . (Quinn, Thomas) (Entered: 12/28/2004)
12/22/2004	•	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein : Status Conference as to Manuel de Jesus Novoa Baires held on 12/22/2004; AUSA Tobin and Attorney McGinty report cases status and seek further conference for 1/24/05 @ 3:15pm. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 12/28/2004)
12/22/2004	• <u>19</u>	Judge Judith G. Dein : ORDER entered STATUS REPORT as to Manuel de Jesus Novoa Baires Status Conference set for 1/24/2005 03:15 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 12/28/2004)
12/22/2004	• <u>20</u>	Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Manuel de Jesus Novoa Baires Time excluded from 12/21/04 until 1/24/05. (Quinn, Thomas) (Entered: 12/28/2004)
12/22/2004	•	Judge Judith G. Dein : Electronic ORDER entered granting <u>18</u> Motion to Exclude as to Manuel de Jesus Novoa Baires (1) (Quinn, Thomas) (Entered: 01/04/2005)
01/25/2005	• <u>21</u>	Assented to MOTION to Continue <i>Status Hearing and Exclude Time</i> as to Manuel de Jesus Novoa Baires by USA. (Tobin, David) (Entered: 01/25/2005)
01/26/2005	•	Judge Judith G. Dein : Electronic ORDER entered granting <u>21</u> Motion to Continue as to Manuel de Jesus Novoa Baires (1) (Quinn, Thomas) (Entered: 01/27/2005)

01/26/2005	②22	Judge Judith G. Dein : Electronic ORDER entered. ORDER ON EXCLUDABLE DELAY as to Manuel de Jesus Novoa Baires Time excluded from 1/24/05 until 2/8/05. (Quinn, Thomas) (Entered: 01/27/2005)
02/08/2005	②23	Judge Judith G. Dein : ORDER entered. INTERIM STATUS REPORT as to Manuel de Jesus Novoa Baires. Status Conference set for 3/7/2005 02:00 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 02/08/2005)
02/08/2005	②24	Judge Judith G. Dein : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Manuel de Jesus Novoa Baires. Time excluded from 2/8/05 until 3/7/05. (Dambrosio, Jolyne) (Entered: 02/08/2005)
02/08/2005	②	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Manuel de Jesus Novoa Baires held on 2/8/2005; AUSA Tobin and Attorney McGinty report current case status and request further conference for 3/7/05 @ 2:00pm. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 02/22/2005)
03/07/2005	②	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Manuel de Jesus Novoa Baires held on 3/7/2005; AUSA Tobin and Attorney McGinty report case status and seek further conference for 3/23/05 @ 3:00pm. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 03/07/2005)
03/07/2005	②25	Judge Judith G. Dein : Electronic ORDER entered. STATUS REPORT as to Manuel de Jesus Novoa Baires Status Conference set for 3/23/2005 03:00 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 03/08/2005)
03/07/2005	②26	Judge Judith G. Dein : Electronic ORDER entered. ORDER ON EXCLUDABLE DELAY as to Manuel de Jesus Novoa Baires Time excluded from 3/7/05 until 3/23/05. (Quinn, Thomas) (Entered: 03/08/2005)
03/09/2005	②	Notice of correction to docket made by Court staff. Correction: #25 and 26 Electronic Orders corrected because:the filer is reminded that electronic orders should not have numbers. If the Judge's Order is a document then pick N in the electronic order prompt. If it is an endorsed order then pick yes in the electronic order prompt. (No Fix FYI) (Johnson, Jay) (Entered: 03/09/2005)
03/23/2005	②27	Judge Judith G. Dein : ORDER entered. FINAL STATUS REPORT as to Manuel de Jesus Novoa Baires. (Dambrosio, Jolyne) (Entered: 03/23/2005)
03/23/2005	②	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Manuel de Jesus Novoa Baires held on 3/23/2005; AUSA Tobin and Attorney McGinty report the case is ready to be sent to the district court. USMJ Dein will issue report and return file to district court. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 03/23/2005)

03/23/2005	•28	Judge Judith G. Dein : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Manuel de Jesus Novoa Baires. Time excluded from 3/23/05 until Status Conference before District Judge. (Dambrosio, Jolyne) (Entered: 03/23/2005)
03/23/2005	•29	JOINT MEMORANDUM of the parties re initial status conference by Manuel de Jesus Novoa Baires (Johnson, Jay) (Entered: 03/24/2005)
03/25/2005	•	NOTICE OF HEARING as to Manuel de Jesus Novoa Baires Pretrial Conference set for 4/14/2005 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 03/25/2005)
04/14/2005	•	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel :Pretrial Conference as to Manuel de Jesus Novoa Baires held on 4/14/2005 Change of Plea Hearing set for 5/10/2005 03:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 04/15/2005)
05/10/2005	•	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel :Change of Plea Hearing as to Manuel de Jesus Novoa Baires held on 5/10/2005, Plea entered by Manuel de Jesus Novoa Baires (1) Guilty Count 1,2. Sentencing set for 7/19/2005 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 05/12/2005)
05/12/2005	•30	Judge Rya W. Zobel : Procedural ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Manuel de Jesus Novoa Baires Sentencing set for 7/19/2005 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 05/12/2005)
07/19/2005	•	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel :Status Conference as to Manuel de Jesus Novoa Baires held on 7/19/2005. Sentencing continued; counsel to make inquiries re: how quickly defendant can be deported and get back to the Court; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 07/20/2005)
08/01/2005	•	NOTICE OF HEARING as to Manuel de Jesus Novoa Baires Continued Sentencing set for 8/4/2005 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 08/01/2005)
08/04/2005	•	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel :Sentencing held on 8/4/2005 for Manuel de Jesus Novoa Baires (1), 1, 2, The defendant was sentenced to TIME SERVED; SR 3 years; no fine; Standard conditions apply; no guns; SC; if deported, the defendant shall leave the US; SA \$200.00.. (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 08/04/2005)
08/05/2005	•31	Judge Rya W. Zobel : Order ORDER entered. JUDGMENT as to Manuel de Jesus Novoa Baires (1), The defendant was sentenced to TIME SERVED; SR 3 years; no fine; Standard conditions apply; no guns; SC; if deported, the defendant shall leave the US; SA \$200.00.; Count(s) 1, 2, The defendant was sentenced to TIME SERVED; SR 3 years; no fine; Standard conditions apply; no guns; SC; if deported, the defendant shall

		leave the US; SA \$200.00. (Urso, Lisa) (Entered: 08/08/2005)
08/08/2005	③2	Judge Rya W. Zobel : Order ORDER entered. STATEMENT OF REASONS as to Manuel de Jesus Novoa Baires (Urso, Lisa) (Entered: 08/08/2005)
08/08/2005	③	3 Certified copies as to Manuel de Jesus Novoa Baires placed in the Marshals box this date. (Urso, Lisa) (Entered: 08/08/2005)
09/07/2005	③3	NOTICE OF APPEAL by USA, USA as to Manuel de Jesus Novoa Baires re <u>31</u> Judgment, Filing fee \$ 255. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 9/27/2005. (Tobin, David) (Entered: 09/07/2005)